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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,715	04/05/2004	Deberoah K. Davis	TLR-5143 US	1175
7590 07/26/2005				
Tipton L. Randall 19371 55th Avenue Chippewa Falls, WI 54729			EXAMINER JIMENEZ, MARC QUEMUEL	
			ART UNIT 3726	PAPER NUMBER

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

E

Office Action Summary	Application No. 10/816,715	Applicant(s) DAVIS, DEBEROAH K.	
	Examiner Marc Jimenez	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 11, 19, 20 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12-18, 21, 22 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04052004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species B, Species F, and Species G in the reply filed on 5/20/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 5-7, 11, 19, 20, 23-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Note that claim 24 depends on nonelected claim 23 and therefore is also withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 8-10, 12-18, 21, 22, and 26-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams (US 4,435,145) in view of Wiley (US 4,730,952).

Abrams teaches a cylindrical rolling pin having a central axle 13 with a "handle" 17 at each end, a pair of planar guide disk members 17, each guide disk member having a diameter larger than the cylindrical pin 11, each guide disk member 17 having a central slot.

However, Abrams does not teach a pair of clip and spacer assemblies, each assembly mounted to the pin central axle between a pin handle and an end of the cylindrical pin, the assembly including a planar clip member adjacent the pin handle and a planar spacer member adjacent the cylindrical pin, each clip and spacer assembly smaller in diameter than the cylindrical rolling pin and larger in diameter than the pin handle, each planar clip member including at least one tab portion coplanar therewith; and having a central slot allowing passage of the clip member with at least one tab portion there through, whereby, inserting a pin handle through a guide disk member central slot allows the clip member with at least one tab portion to pass there through, the guide disk member's central slot thereby encircling the spacer member, and rotational movement between the guide disk member and clip member produces misalignment of the clip member's at least one tab portion and the guide disk member's central slot, thereby locking the guide disk member in place about the spacer member, thus elevating the cylindrical pin a selected distance above a support surface.

Wiley teaches a clip and spacer assembly 36 including a planar clip member 36 and a planar spacer member 34, each planar clip member 36 including at least one tab portion coplanar therewith; and a guide disk member 26 having a central slot 30 allowing passage of the clip member 36 with at least one tab portion there through, whereby, the guide disk member's central slot 30 thereby encircling the spacer member 34, and rotational movement between the guide disk member 26 and clip member 36 produces misalignment of the clip member's 36 at least one tab portion and the guide disk member's 26 central slot 30, thereby locking the guide disk 26 member in place about the spacer member 36, thus elevating the cylindrical pin 16 a selected distance above a support surface.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Abrams with a pair of clip and spacer assemblies, each assembly mounted to the pin central axle between a pin handle and an end of the cylindrical pin, the assembly including a planar clip member adjacent the pin handle and a planar spacer member adjacent the cylindrical pin, each clip and spacer assembly smaller in diameter than the cylindrical rolling pin and larger in diameter than the pin handle, each planar clip member including at least one tab portion coplanar therewith; and having a central slot allowing passage of the clip member with at least one tab portion there through, whereby, inserting a pin handle through a guide disk member central slot allows the clip member with at least one tab portion to pass there through, the guide disk member's central slot thereby encircling the spacer member, and rotational movement between the guide disk member and clip member produces misalignment of the clip member's at least one tab portion and the guide disk member's central slot, thereby locking the guide disk member in place about the spacer member, thus elevating the cylindrical pin a selected distance above a support surface, in light of the teachings of Wiley, in order to provide a quickly releasable attachment as suggested by Wiley at col. 1, lines 44-51 without the need for additional washers and nuts (col. 1, lines 26-28 of Wiley).

Regarding claims 2, 9, and 21, Wiley teaches two tab portions **36**.

Regarding claims 3 and 17, Wiley teaches that the two tab portions **36** are "opposed" across the clip member.

Regarding claims 4 and 8, Wiley teaches that the spacer member **34** is circular.

Regarding claims 10 and 22, the planar spacer member **34** and the planar guide disk member **26** are essentially the same thickness in Wiley.

Art Unit: 3726

Regarding claims 12, 15, 13, and 27, the spacer member 34 of Wiley is secured to an end of the cylindrical "pin" 16.

Regarding claims 14 and 26, Wiley teaches that the spacer member and clip member are a single unit (see figure 2).


Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number (571) 272-4530. The examiner can normally be reached on Monday-Friday between 5:30 a.m.-2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
June 2, 2005


MARC JIMENEZ
PRIMARY EXAMINER
6/2/05